

Appl. No. 10/027,264

Amendment dated October 13, 2003

Remarks

Claims 1-22 are pending in the instant application. In the Office Action mailed July 15, 2003, the Examiner rejects claims 1-22. Based on the amendment and remarks made herein, Applicants respectfully request that the rejections be withdrawn and that the application be passed to allowance.

1. Rejection of Claims 1-22 as Obvious in View of Klofta and Further in View of Koenig.

In the Office Action mailed July 15, 2003, the Examiner rejects claims 1-22 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/007307 to Klofta et al. (hereinafter "the Klofta publication") in view of U.S. Patent Application Publication No. 2003/0118475 to Koenig et al. (hereinafter "the Koenig publication")¹. Applicants respectfully traverse the rejection. Applicants respectfully submit that the rejection is improper in view of MPEP 706.02(I)(1).

MPEP 706.02(I)(1) is directed to "Rejections Under 35 U.S.C. 102(e)/103". The section states that "...subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention 'were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.'" This section applies to all applications filed on or after November 29, 1999.

The Koenig publication is prior art with respect to the present rejection under 35 U.S.C. 103(a) via 35 U.S.C. 102(e). Specifically, the present application was filed on December 22, 2001 (that is, after November 29, 1999) and the Koenig publication was filed on December 20, 2001 and published on June 26, 2003, thus indicating that Koenig publication is prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e).

The Koenig publication is disqualified as prior art against the present application because both are assigned to Kimberly-Clark Worldwide, Inc. Specifically, assignment of the present application was recorded on March 15, 2002 at Reel number 012728 and Frame number 0939. While the first page of the Koenig publication does not indicate an assignee, the Koenig publication is assigned to Kimberly-

¹ Applicants would like to direct the Examiner's attention to page 2 of the Office Action mailed July 15, 2003. On page 2, the Examiner indicates that the rejection under §103(a) is over the Klofta publication in view of U.S. Patent Application Publication No. 2002/0061286 to Durden (hereinafter "the Durden publication"). While the Examiner mentions the Durden publication at the beginning of the rejection, the Durden publication is not mentioned in the remainder of the Office Action. However, the Koenig publication is discussed. Therefore, for purposes of this Amendment, Applicants have assumed that the Examiner intended the rejection to be over the Klofta publication in view of the Koenig publication.

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Clark Worldwide, Inc. The Assignment has a recordation date of February 6, 2002 and can be found at Reel number 012586 and Frame number 0564. Copies of the Assignment and the "Notice of Recordation of Assignment Document" are attached for the Examiner's convenience.

Based on MPEP 706.02(I)(1), Applicants respectfully submit that the rejection under 35 U.S.C. 103(a) in view of the Koenig publication should be withdrawn. Therefore, Applicants are not responding at this time to the substantive portion of the Examiner's rejection and based on the foregoing, respectfully request that the rejection under 35 U.S.C. §103(a) be withdrawn.

In conclusion, and in view of the amendment and remarks set forth above, Applicants respectfully submit that the application and the claims are in condition for allowance and respectfully request favorable consideration and the timely allowance of pending claims 1-22. If any additional information is required, the Examiner is invited to contact the undersigned at (920) 721-2433.

The Commissioner is hereby authorized to charge any prosecutorial fees (or credit any overpayment) associated with this communication to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such extension is requested and should also be charged to our Deposit Account.

Respectfully submitted,

EARL DAVID BROCK, ET AL.

By: Alyssa A. Dudkowski
Alyssa A. Dudkowski
Registration No.: 40,596

CERTIFICATE OF FACSIMILE TRANSMISSION

I, Mary L. Roberts, hereby certify that on October 13, 2003, this document is being sent by facsimile transmission addressed to Commissioner for Patents via RightFax Number 703-872-9302.

By: Mary L. Roberts
Mary L. Roberts



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APRIL 15, 2002

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UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 02/06/2002

REEL/FRAME: 012586/0564
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

KOENIG, DAVID W. ✓

DOC DATE: 01/21/2002

ASSIGNOR:

KROLL, LISA M. /

DOC DATE: 01/21/2002

ASSIGNEE:

KIMBERLY-CLARK WORLDWIDE INC. ✓
401 NORTH LAKE STREET
NEENAH, WISCONSIN 54956

SERIAL NUMBER: 10029404 ✓
PATENT NUMBER:

FILING DATE: 12/20/2001 ✓
ISSUE DATE:

JEFFREY OLSEN, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

Blum

FEB 06 2002

02-20-2002

Form PTO-1
(Rev. 03/01)
OMB No. 0651-0027 (exp. 5/31/2002)

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U.S. Patent and Trademark Office

Tab settings

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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

David W. Koenig
Lisa M. Kroll

2-6-02

2. Name and address of receiving party(ies)

Name: Kimberly-Clark Worldwide, Inc.

Internal Address: _____

Street Address: 401 North Lake StreetCity: Neenah State: WI Zip: 54956Additional name(s) & address(es) attached? ☐ Yes ☒ NoAdditional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other

Execution Date: January 21, 2002

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

10/029,404

B. Patent No.(s)

Additional number(s) attached ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: David E. Crawford, Jr.

Internal Address: _____

Senniger, Powers, Leavitt & Roedel

Street Address: _____

One Metropolitan Square, 16th FloorCity: St. Louis State: MO Zip: 631026. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41).....\$ 40

- ☒ Enclosed
☐ Authorized to be charged to deposit account

8. Deposit account number:

19-1345

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

David E. Crawford, Jr.
Name of Person Signing

Signature

06 FEB 02
DateTotal number of pages including cover sheet, attachments, and document: 5Mail documents to be recorded with required cover sheet information to:
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ASSIGNMENT

WHEREAS, We David W. Koenig of Menasha, Wisconsin 54952 and Lisa M. Kroll of Appleton, Wisconsin 54911, have invented an improvement in Wipe (Attorney Docket No. KCC 4798; K.C. No. 14,442B) and have executed an application for a United States patent based thereon Serial No. 10/029,404, filed December 20, 2001;

AND, WHEREAS, Kimberly-Clark Worldwide, Inc. of Neenah, Wisconsin, a corporation of the State of Delaware (hereinafter referred to as "ASSIGNEE") is desirous of acquiring certain rights thereunder;

NOW, THEREFORE, for one dollar and other good and valuable consideration, receipt of all of which is hereby acknowledged, we have agreed to and do hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and throughout the United States of America (including its territories and dependencies) and all countries foreign thereto in and to said invention, said United States application, any other United States applications (including provisional, non-provisional, divisional, continuing, or reissue applications) based in whole or in part on said United States application or in whole or in part on said invention, any foreign applications based in whole or in part on any of the aforesaid United States applications or in whole or in part on said invention, and any and all patents (including extensions thereof) of any country which have been or

may be granted on any of the aforesaid applications or on said invention or any part thereof;

TO BE HELD AND ENJOYED by said ASSIGNEE, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by us had no sale and assignment of said interest been made;

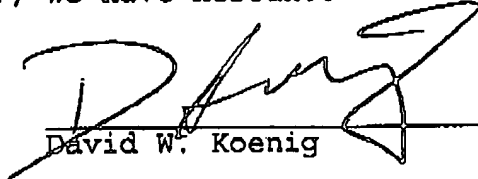
AND We hereby authorize and request the Commissioner of Patents of the United States of America to issue any and all United States patents which may be granted upon said United States applications or any of them, or upon said invention or any part thereof, to said ASSIGNEE;

AND We hereby jointly and severally agree for ourselves and for our respective heirs, executors and administrators, to execute without further consideration any further lawful documents and any further assurances, and any provisional, non-provisional, divisional, continuing, reissue, or other applications for patents of any country, that may be deemed necessary by said ASSIGNEE fully to secure to said ASSIGNEE its interest as aforesaid in and to said invention or any part thereof, and in and to said several patents or any of them;

AND We hereby jointly and severally covenant for ourselves and our respective legal representatives that we have granted no right or license to make, use or sell said invention, to anyone except said ASSIGNEE, that prior to the execution of this deed our right, title and interest in said invention had not been

otherwise encumbered, and that we have not executed and will not execute any instrument in conflict herewith.

IN WITNESS WHEREOF, we have hereunto set our hands.



David W. Koenig



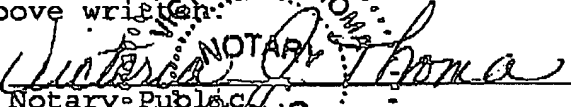
Lisa M. Kroll

ACKNOWLEDGMENT

STATE OF Wisconsin,
COUNTY OF Winnipeg

On this 21st day of January 2002, before me, a Notary Public, personally appeared David W. Koenig to me known to be the person described in and who executed the foregoing assignment and acknowledged that he executed same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the date and year last above written.



Notary Public
STATE OF WISCONSIN

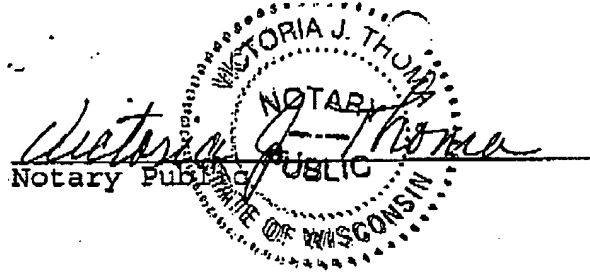
My Commission Expires:

February 24, 2002

STATE OF Wisconsin,
COUNTY OF Winnipeg

On this 21st day of January 2002, before me, a Notary Public, personally appeared Lisa M. Kroll to me known to be the person described, in and who executed, the foregoing assignment and acknowledged that he executed same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal and the date and year last above written.



My Commission Expires:

February 24, 2007

DEC/bcw